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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 000498

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SUBJECT: MORE TWISTS IN CASE OF SLAIN PUBLIC PROSECUTOR

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Classified By: ACTING POLITICAL COUNSELOR DANIEL LAWTON
FOR REASON 1.4 (D)

11. (C) Summary: Prosecutor Hernando Contreras accused former Attorney General (AG) Isaias Rodriguez of doctoring witness testimony that could have proved unfavorable to the government in the case of slain public prosecutor Danilo Anderson. AG Luisa Ortega dismissed the allegations against her predecessor, but instead plans to investigate Contreras' role in the incident. Judicial NGO Foro Penal called for a new investigation into Anderson's November 2004 death citing irregularities in the handling of the case. The accusations did not impede Rodriguez from positioning himself to join the Supreme Court as a magistrate. Contreras' statements again highlight the lack of independence of the AG's Office and casts doubt on the government's commitment to properly investigate the case, which might expose Anderson's involvement in an extortion ring. This case is emblematic of the government's use of selective prosecution for political purposes. End Summary.

Background

12. (SBU) Danilo Anderson was a leading federal prosecutor killed in a November 2004 car bombing. Anderson, a former environmental lawyer, was assigned a substantial portion of political cases, including those against some 400 persons allegedly involved in the April 2002 events and signatories of the Carmona Decree. It is widely believed that Anderson was extorting the suspects he was investigating in these cases. Former Attorney General (AG) Isaias Rodriguez previously accused the CIA, the FBI, opposition figures, and the Colombian United Self-Defense Forces (AUC) of playing advisory roles in Anderson's death based on testimony of then key witness Giovanni Vasquez. Vasquez's testimony was later deemed largely false. Among other allegations, Vasquez claimed numerous opposition political figures met in the jungles of Panama to plan Anderson's death. Since 2004, several out-spoken critics of the Bolivarian Republic of Venezuela (BRV) have been accused of being material suspects in the case, although broad speculation is that Anderson's death was carried out by thugs hired by persons Anderson was extorting.

Doctored Files

13. (SBU) According to local media reports, prosecutor Hernando Contreras delivered a missive to the Attorney General's (AG's) Office in mid-March accusing former AG Isaias Rodriguez of doctoring the testimony of Vasquez because the evidence proved detrimental to the government's interest. Contreras claims Rodriguez told prosecutors he needed to "consult" with the government over Vasquez's statements because the investigation's findings were becoming a "problem" for the BRV. After Rodriguez's consultations, he purportedly ordered prosecutors to alter Vasquez's testimony and had individuals with no prior links to the case included as suspects in the investigation. Contreras called on AG Luisa Ortega Diaz to investigate Rodriguez and conduct a new investigation into Anderson's murder. Judicial NGO Foro Penal echoed that request citing previous irregularities in the case. Since news of his accusations became public, Contreras has requested that the OAS provide him with police escorts after the security detail the AG's office had provided him since 2005 for serving on the high-profile case was abruptly removed.

AG Turns Tables on Contreras

14. (C) AG Ortega quickly dismissed Contreras' allegations against Rodriguez. However, she announced plans to investigate Contreras for his role in altering public documents saying he could not blame his actions on "following orders." She noted that she had no plans to initiate a new investigation into the Anderson case. Ortega also confirmed press reports that she asked for Contreras' resignation in January, shortly after assuming her position. Sources close to the case told Legatt that the timing of the accusations is closely linked to the BRV's efforts to dismiss Contreras.

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Other Twists

15. (C) Vasquez's lawyer said his client will hold a press conference April 8 where he will tell the "truth" regarding his role in the case. In January, reporter Patricia Poleo, who is wanted by the BRV for her alleged participation in masterminding Anderson's death and is seeking asylum in the U.S., informed Legatt that Vasquez had offered to tell the "truth" in exchange for help (a visa) to leave Venezuela for the U.S. Legatt refused to meet with Vasquez given his previous false testimony and shadowy background. The local media has since reported that Vasquez has approached several Embassies in Venezuela requesting political asylum.

Magistrate Rodriguez?

16. (SBU) Contreras' potentially damaging allegations do not seem to be hindering Rodriguez's plans to remain a player within the BRV. On April 3, Rodriguez was appointed "conjuez" or second alternate, a position that could allow him to fill a vacancy on the Supreme Court. Unlike other magistrates, "conjuces" are selected by magistrates and do not have to be ratified by the National Assembly. In the meantime, Rodriguez will serve as an alternate for Supreme Court Chief Justice Luisa Estella Morales. Foro Penal publicly criticized Rodriguez's appointment arguing he does not have the credentials needed to fill the position.

Comment

17. (C) Since Anderson's death in 2004, the BRV has from time to time used the case to intimidate opposition figures

accusing them of being material authors of the assassination.

The BRV's inability to win convictions and Contreras' allegations again call into question the government's interest in properly investigating the Anderson case. Many speculate that a full and impartial investigation would confirm Anderson's extortion activities and eventually involve figures within Chavismo. Nevertheless, the BRV appears to be standing behind its man in this drama as Rodriguez's imminent appointment to the Supreme Court suggests.

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